

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

BRADBURY <u>P</u>	BURNS <u>P</u>	GIAQUINTA <u>P</u>
HENRY <u>P</u>	LONG <u>P</u>	REDD <u>P</u>
SCHMIDT <u>P</u>	STIER <u>Absent</u>	TALARICO <u>P</u>

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 13th day of September, 1988, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 14th day of September, 1988.

S. E. K.
SANDRA E. KENNEDY, CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

25 August 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-07-16

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of August 1988.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From P.O.D. to RA		

DETAILS

Specific Location and/or Address Lower Huntington Road, just east of Baer Field Thruway, and west of Mill Run Drive.
Reason for Project To re-incorporate this land into the overall Planned Unit Development (a P.O.D. may not be included in a P.U.D.) which was approved in 1971.
Discussion (Including relationship to other Council actions) <u>18 July 1988 - Public Hearing</u> See attached minutes of public hearing. <u>22 August 1988 - Business Meeting</u> This was not acted on at the July Business Meeting at the request of the petitioner who received a deferral from the Commission. Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried. Of the eight (8) members present five (5) voted in favor of the motion, two (2) voted against the motion and one (1) did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Willow Creek Ltd, Inc. City Department Other
Opponents	Groups or Individuals Boris Kuzeff, 1006 L Huntington Rd/Geo Hoger, 7829 Knightswood Dr Basis of Opposition -no need for more commercial development in area; development would add to traffic congestion in area
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 16 June 1988

Projected Completion or Occupancy

Date 25 August 1988

Fact Sheet Prepared by

Patricia Biancaniello

Date 25 August 1988

Reviewed by

Gay Barta

Date

30 August 1988

Reference or Case Number

a. Change of Zone #354

From POD to RA

A 2 acre tract south of Lower Huntington Road, west of Mill Run Drive and east of Baer Field Thruway.

Public Hearing on an Amendment to a PUD for a Primary Development

a. Willow Creek Crossing

John Clifton, attorney, for the petitioners questioned if they would be considering the change of zone and the amendment to the PUD as well as the development plan as one.

Ms. Stam stated that they would consider them all at one time.

Mr. Clifton stated that they are dealing with a 3.78 acre area which is undeveloped. Mr. Clifton stated that in 1971 the Commission granted a PUD to Ralph Shirmeyer a developer, who was at that time developing Mill Run Apartments. He stated a portion of that development was to be limited commercial consisting of square footage not to exceed 23,600 sq ft. He stated it was all contingent upon the developer having enough apartments built within the time frame given under the PUD. He stated that the Mill Run Apartment Complex did not develop that rapidly and the developer was unable to satisfy the minimum number of apartments that was required. He stated that under the rules the PUD portion of that application lapsed by passage of time and not sufficient construction. He stated that in 1987 a 1.72 acre tract located on the same side of Lower Huntington Road and to the east of the area in question was given a POD designation. He stated that at the present time there are 582 apartments in Willow Creek and over 1,000 residents. He stated that a number of residents have said that it would be worthwhile, particularly for the elderly and for those who have families with small children, if there were facilities close by within the apartment area so that the residents of the apartments could be served by a grocery or beauty salon. He stated that they have proposed on the 3.78 acre a Planned Unit Development consisting of one limited commercial facility, including a small convenience store, a beauty salon, a barber shop and perhaps a video rental store. He stated that this Phase I would cover approximately 12,000 sq ft under roof. He stated that Phase II would be at the more southerly end of the project with professional offices consisting of approximately 5,000 sq ft. He stated that Phase III would be for a bank or credit union consisting of approximately 3,000 sq ft. He stated that they are not trying to put a commercial shopping center in the middle of anything. He stated their plan shows no outlet onto either Baer Field Expressway or Lower Huntington Road. He stated it will have the effect of reducing traffic on Lower Huntington because the only outlet they are requesting is onto Mill Run Drive, which is contained within the Willow Creek Apartment Complex. He stated that it is in conjunction with the PUD that they are asking to that the POD

designation currently upon the 3.78 acre tract be downgraded to an RA. He stated that in the even that the Commission would not see fit grant Willow Creek Limited approval of the PUD amendment they would withdraw the requested rezoning from POD to RA.

The following people spoke in opposition to the proposed rezoning.

Boris Kuzeff, 1006 Lower Huntington Road
George Hoger, 7829 Knightswood Drive, Pres. Avalon Neigh Assn
Resident, 6830 Hiltonia Drive, Pres. Lakeshores Neigh Assn

The opposition pointed out that there was no need in the area for additional commercial facilities and that this would only add to the traffic congestion in the area.

In rebuttal Mr. Clifton stated he would like to reemphasize that if in fact the only outlet is from Mill Run Drive, there would tend to be a lessening of traffic going onto Lower Huntington because of the fact that residents who live there and drive cars would not be traversing the streets for these limited items.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

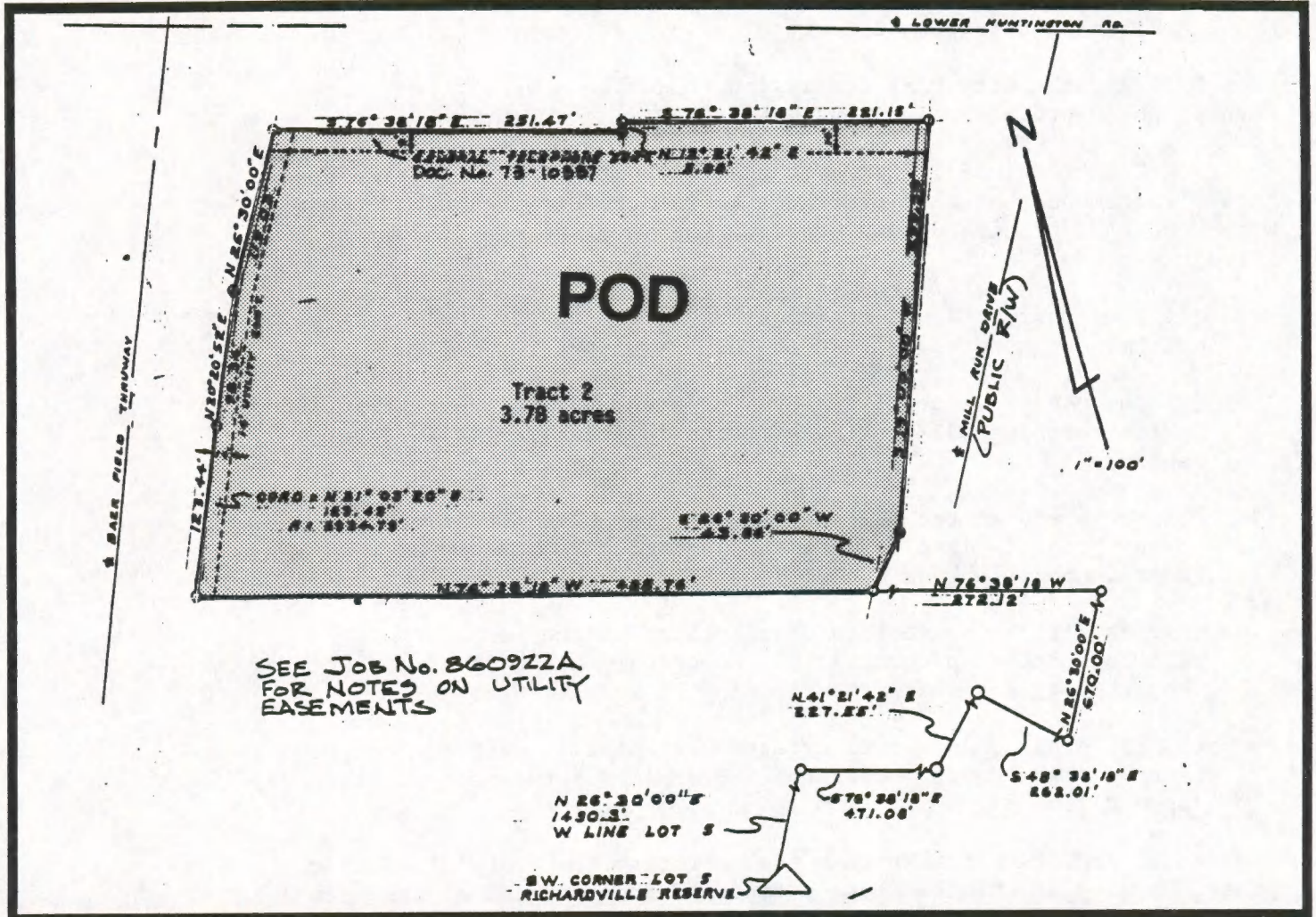
REZONING PETITION

#354

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A POD DISTRICT TO A RA DISTRICT.

MAP NO. K-27

COUNCILMANIC DISTRICT NO. 4



ZONING:

LAND USE:

POD PROFESSIONAL OFFICE DISTRICT ☐ COMMERCIAL

SCALE: N.T.S.

DATE: 6-24-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-07-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1988.

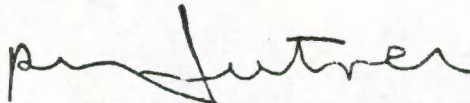
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 22, 1988.

Certified and signed this
25th day of August 1988.



Robert Hutner
Secretary

John M. Clifton, Jr., attorney for Willow Creek Ltd., requests a change of zone from P.O.D. to RA.

Location: Lower Huntington Road, just east of Baer Field Thruway, and west of Mill Run Drive.

Legal: See File

Land Area: Approximately 3.78 acres

Zoning: P.O.D.

Surroundings:	North	RB	Single Family Residential
	South	RB	Multi-family Residential
	East	POD	Offices
	West	RB	Single Family Residential

Reason for Request: Not stated on petition

Neighborhood Assoc.: None

Landscape: No comment.

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. Uses permitted by this request would be consistent with the Comprehensive Plan.

Planning Staff Discussion:

In 1971 the previous developer received approval for a PUD incorporating this site. Under that approval Mill Run Apartments Phase I was developed. The underlying zoning designation remained as RB. Assuming that a sufficient number of residential units were developed, the total development would have included limited commercial facilities totaling 23,280 Sq. Ft. of gross floor area. Unfortunately that developer was unable to construct and have occupied sufficient units to allow for the limited retail development to occur.

In 1987 the current owner of the properties applied for and received approval for a Professional Office District development on this tract and a 1.72 acre tract on the east side of Mill Run Drive.

The intention of the petition is to re-incorporate this land into the overall development. The P.U.D. (Planned Unit Development) section of the zoning ordinance states that land designated as a P.O.D. may not be included in a P.U.D. After discussion with staff, it was determined to submit a rezoning to RA, accompanied by a primary development plan for this parcel as part of the existing development.

The petitioner has made it clear to staff, that if the amendment to the P.U.D. would not be approved, they would not want the change of zone granted. We would ask the Plan Commission to consider that request in their deliberations.

Recommendation: Do Pass

- 1) Approval would allow re-instatement of the parcel with the existing development.
- 2) Approval would not have an adverse impact on the area.
- 3) Approval may in fact be beneficial to the area in terms of property values, and traffic generation.



THE CITY OF FORT WAYNE

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25 August 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
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CityCounty Building
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Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-08-40

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of August 1988.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-1 to B-1-B

DETAILS

Specific Location and/or Address

6253 Lake Avenue

Reason for Project

Limited Commercial Development

Discussion (Including relationship to other Council actions)

18 August 1988 - Public Hearing

See attached minutes of meeting.

22 August 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Emery Gant

City Department

Other

Opponents

Groups or Individuals

Dave Scherer/6603 Parsons Ct
John Klotz/1206 Langley Ct

Basis of Opposition

-add to traffic congestion
-devalue property in area

Staff
Recommendation☐ For☒ Against

Reason Against

Board or
Commission
Recommendation

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY / PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 14 July 1988

Projected Completion or Occupancy

Date 25 August 1988

Fact Sheet Prepared by

Patricia Biancaniello

Date 25 August 1988

Reviewed by

Gary Butler
Reference or Case Number

Date

30 August 1988

b. Change of Zone #363
From R-1 to B-1-B
6253 Lake Avenue

Sean Collentine, realtor appeared before the Commission for the petitioner Emery Gant. Mr. Collentine stated that they were requesting the rezoning for the purpose of developing the property for limited commercial uses. Mr. Collentine stated that he would like to comment on the staff recommendation of Do Not Pass beginning with the first reason that 1) Approval would be contrary to the Comprehensive Plan. Mr. Collentine stated that the Comp Plan is a general plan. He passed out copies of pages from the Comp Plan and noted that the areas circled were not originally shown to be developed commercially but have since been developed commercially, such as GM, the south side of Illinois Road commercial development, the Northeast corner of Cook & Coldwater Road has been developed as an office park. He stated the Comp Plan also did not anticipate that Maplecrest Road would be extended. He stated that this access into the area changes the character of the area. He stated that he had consulted with the Street Engineering Department and in the 2008 Transportation Plan there is an anticipated bridge going across the Maumee River across the Water Filtration Plant over to Adams Center Road. He stated that this request is not contrary to the Comp Plan. Reason 2) It would not be in character to the immediate area. He stated that on three sides there is bare ground. He stated that the housing development north of this property has an 8 ft concrete barrier separating this property from the development. Reason 3) The approval could have a negative impact on property values within the area. He stated that he could not comment on that and felt that the physical barrier is intended achieve the separation of the two properties. He stated that when a commercial development goes in the property surrounding does not go down in value. Reason 4) Approval would constitute a spot zoning classification, establishing an unwarranted precedent. Mr. Collentine stated that "spot zoning" seems to be a catch all. He stated that they submitted the whole 6 1/2 acres of land to try and negate this point which is a constant battle. He stated that the area needs services and this development is being designed to fit the needs of the area. He stated that the Commission could put some restrictions on the uses, and the owner would not object to that, restrictions that would make sense to the confines of the area.

Mel Smith stated that the traffic out in this area is a problem and that Mr. Collentine refers to what the plans are for 2008. He stated that this is 1988.

Mr. Collentine stated that this is the only route other than State Street that is going to service the whole west end. He stated that they are looking at by 1992 expanding Lake Avenue.

The following people spoke in opposition:

Dave Scherer, 6603 Parsons Court
John Klotz, 1206 Langley Pass
Resident, 6623 Langley Ct

The opposition stated that there is a definitely a traffic problem there now and this development is not even full as far as villa owners and new homes. It was stated they will probably have twice the traffic coming out of this project when it is complete. They stated that the developers of Georgetowne Place made an offer on the property with the idea to make this a common area for the complex. They also stated their concern for property values if this property is developed commercially. Petitions were submitted containing some 70 signatures from homeowners in Georgetowne Place, Lofton Woods and along Lake Avenue in opposition to the rezoning. It was also noted by the opposition that they had learned from the city that there were no plans for improving the roads in this area for at least 10 years.

Paul Bacon, realtor, stated that a commercial development on this property would certainly negate the progress for the future development in Georgetown Place. He stated that many of the lots are still vacant and for these lots to be built on and sold they need every advantage possible.

Janet Bradbury questioned why Mr. Bacon was interested in this rezoning.

Mr. Bacon stated that Star Builders Realty is responsible for the sales of the villaminium section of Georgetowne of which there are approximately some 50 to 60 lots to still be sold.

Wil Smith questioned if there was a drainage problem in the area.

It was noted by a resident that there is presently, but this land sits very low and if it were built up it could cause a problem.

In rebuttal, Mr. Collentine stated that he had received his information from the Street Department about the future road development. He stated that he did not feel that a well developed site at this corner would hurt the Georgetown Place development. He stated that he did not feel that this property could be developed for residential use. He stated that as to developing a drainage problem that realistically this property would not lend itself to fill and that there are drainage easements in the area.

Steve Smith stated that the staff recommendation is do not pass. He stated that they have found that there are problems with putting commercial zonings in areas like this. He stated however if this is turned down for the B1B they might want to reevaluate their request and apply for an office use on this property. The Commission has found around the city numerous times where a nice low density office use is compatible.

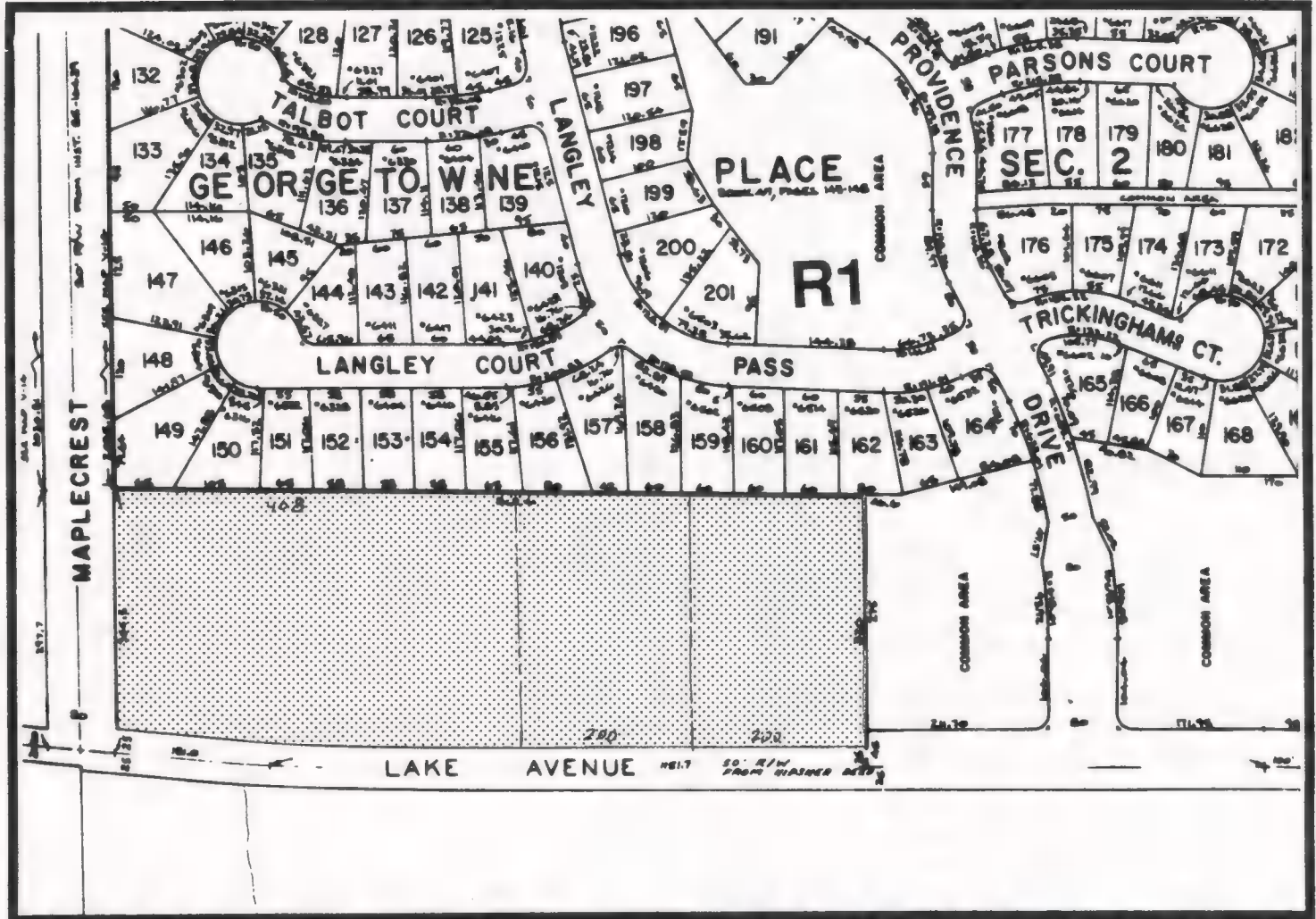
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #363

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A B1B DISTRICT.

MAP NO. V-10

COUNCILMANIC DISTRICT NO. 2



ZONING:

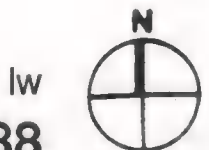
R1 RESIDENTIAL DISTRICT

LAND USE:

☐ SINGLE FAMILY

SCALE: 1" = 200'

DATE: 7-29-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-08-40; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 15, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

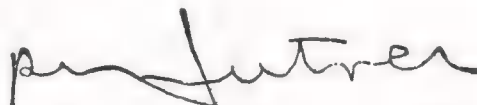
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 22 August 1988.

Certified and signed this
25th day of August 1988.



Robert Hutner
Secretary

Sean Collentine, agent for Emery Gant, requests a change of zone from R-1 to B-1-B.

Location: 6253 Lake Ave.

Legal: See file

Land Area: Approximately 6.5 acres

Zoning: R-1

Surroundings:	North	R-1	Single Family Residential
	South	R-1	Open (Treatment plant)
	East	R-1	SFR & Open
	West	RA	Open & SFR

Reason for Request: Light commercial development

Neighborhood Assoc.: None

Landscape: If approved, landscape plans sufficient to buffer new commercial development from surrounding residential; to screen parking from street view with a min. 3' ht. screen; and to provide a green landscaped appearance should be submitted for approval by CD&P Urban Designer prior to issuance of building permits.

Neighborhood Plan: No Comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the Northeast Sector, where this request is located, is to maintain a balanced development pattern within the urban service area. Commercial uses permitted by B-1-B zoning are not consistent with the Comprehensive Plan for this location.

Planning Staff Discussion:

This area is predominately residential with some open parcels available. The Plan Commission may remember two recent developments in the area, both of which are residential in scope (Georgetown Place Subdivision and Georgetown Apartments). The immediate area does not currently have any parcels that are zoned for business uses. However, commercial zoning does exist along the State Street/Maplecrest Road intersection which is

located to the north.

Staff has developed certain guidelines that they use to determine the merits of a rezoning petition. These include an evaluation of the Comprehensive Plan, the current character and conditions of structures and uses in the immediate vicinity, conservation of property values, and concepts of responsible growth objectives. This petition fails to meet the evaluation requirements in a number of areas. The predominate use in the area is residential, with many units of recent construction, or currently under construction. These residential properties would be best preserved by maintaining residential integrity and not allowing commercial encroachment.

The Comprehensive Plan would not support this request, as commercial uses are out of character with the existing developments, and we are not aware of any mitigating circumstances that would warrant a deviation. Approval would therefore constitute a spot zoning, detrimental to the area.

Recommendation: Do Not Pass

- 1) Approval would be contrary to the Comprehensive Plan.
- 2) Approval would not be in character with the immediate area.
- 3) Approval could have a negative impact on property values within the area.
- 4) Approval would constitute a spot zoning classification, establishing an unwarranted precedent.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

25 August 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-08-39

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of August 1988.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-1 to B-1-A

DETAILS

Specific Location and/or Address

1510 Ludwig Road

Reason for Project

Discussion (Including relationship to other Council actions)

18 August 1988 - Public Hearing

The petitioner requested a withdrawal of this requested zoning, in writing, at the public hearing. Commission approved the petitioner's request, there was no public testimony taken.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

James & Louise Stovall

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☐ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☐ For☐ Against☐ No Action Taken
☐ For with revisions to condition
(See Details column for condition)
CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 6 July 1988

Projected Completion or Occupancy

Date 25 August 1988

Fact Sheet Prepared by

Date 25 August 1988

Patricia Biancaniello

Reviewed by

Date

Reference or Case Number

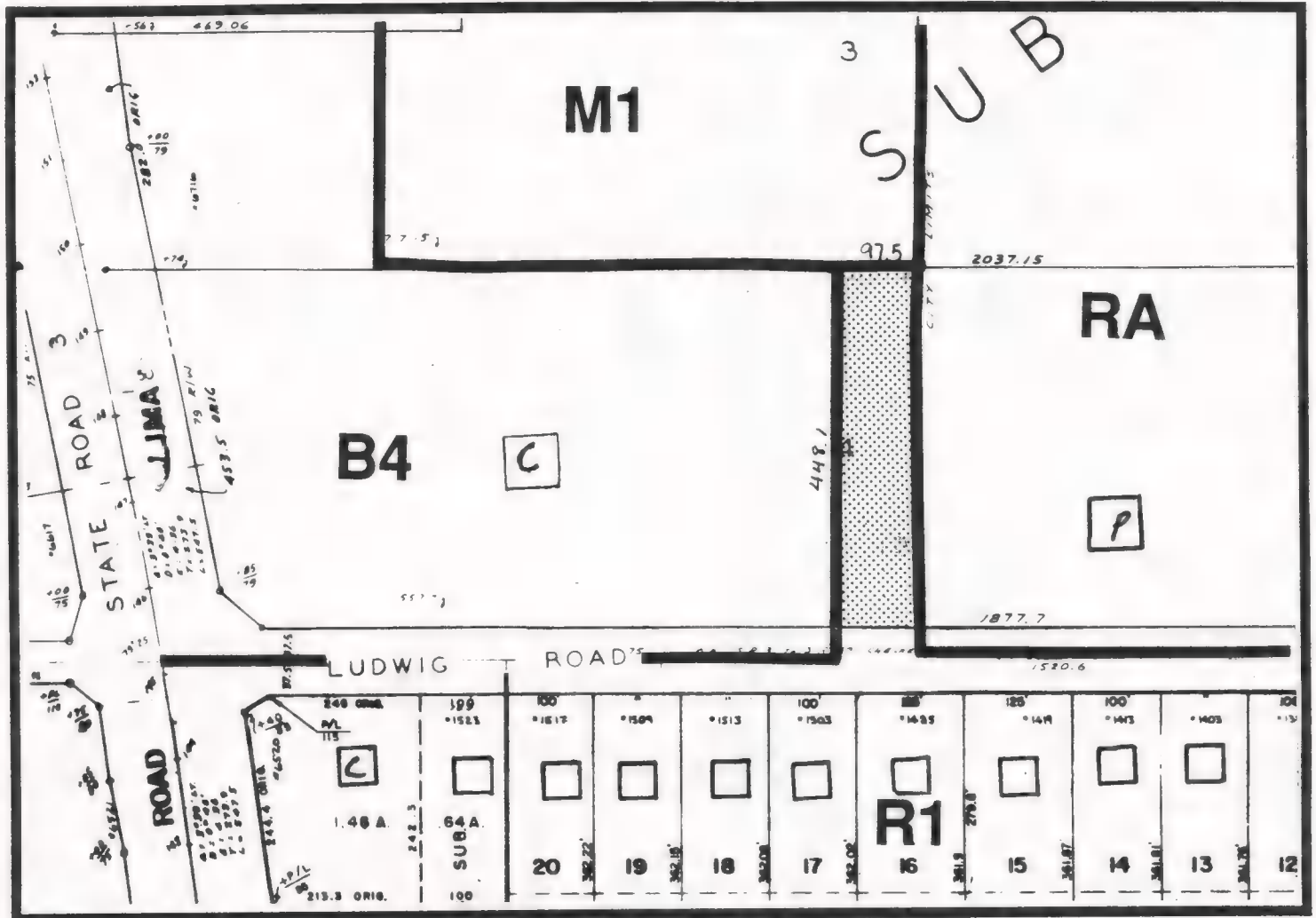
30 August 1988

REZONING PETITION #364

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A B1A DISTRICT.

MAP NO. K-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT

RA RESIDENCE "A"

B4 ROADSIDE BUSINESS

M1 LIGHT INDUSTRY

LAND USE:

☐ SINGLE FAMILY

☒ COMMERCIAL

☐ PUBLIC (Airport)

SCALE: 1" = 200'

DATE: 7-29-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-08-39: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 22, 1988.

Certified and signed this
25th day of August 1988.

A handwritten signature in dark ink, appearing to read "R. Hutner", written over a horizontal line.

Robert Hutner
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

24 August 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of a portion of dedicated right of way.

The proposed ordinance is designated as:

BILL NO. G-88-06-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of August 1988.

Robert Hutner
Secretary

FACT SHEET

G-88-06-11

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Street Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

A portion of Coliseum Blvd., West, approximately 50' x 200' lying west of Sherman Bl.

Reason for Project

To allow for construction of a commercial building on this site.

Discussion (Including relationship to other Council actions)

20 June 1988 - Public Hearing

Josh Tourkow, attorney for the petitioners stated that the property which this right of way crosses lies between Freeman's Sporting Goods Store and a service station. He stated that there is a 50' x 200' right of way down through the center of the petitioners property from Coliseum through property for access to a housing development. He stated that there is a house built on the lot where this street would have to come out into the development. He stated he was of the understanding that the right of way across the lot has been vacated and they are now requesting their portion of the right of way be vacated also. He stated they would like to be able to build a commercial structure on the property. He stated that they see no need at this time of in the future for this right of way to be used.

Richard Borton, 905 Third Street, questioned if the right of way was vacated and open for commercial use would there be a buffer zone required between the commercial and the housing project.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Jeff DeVille, Barbara DeVille, Paul DeVill Greg DeVille, R. B. Brunner City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Greg Purcell stated that the zoning will not change it will remain the same which is B-4 - Roadside Business.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

27 June 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one did not vote.

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 18 May 1988

Projected Completion or Occupancy

Date 24 August 1988

Fact Sheet Prepared by

Date 24 August 1988

Patricia Biancaniello

Reviewed by

Date 1 Sept 1988

Gary Barta
Reference or Case Number

#347

COUNCILMANIC DISTRICT NO. 3



Joshua I. Tourkow, attorney representing Greg and Barbara DeVille, requests the vacation of a certain right-of-way.

Location: In the 900 Block of West Coliseum Blvd.
Legal: See File
Land Area: Approximately 12,500 Sq. Ft.
Zoning: Does not apply
Surroundings: To the east and west are B-4 zonings, with RA to the south, and B-4 and M-1 areas on the north side of Coliseum Blvd.

Reason for Request: Not stated

Neighborhood Assoc.: North Franke Park

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This right of way is unopened and unimproved, and it is not necessary for access to any public or private properties.

The petitioners have been joined by the adjacent property owners in the submittal of this petition. It does not appear that this right-of-way is necessary to continued growth. The area to the south has been developed by Affordable Homes by John Pelkington, Inc., and they have joined as adjacent property owners. Their subdivision is served by internal streets, and does not have direct access to Coliseum Blvd.

Recommendation: Conditional Approval, contingent upon the petitioner providing utility easements as needed.

- 1) Approval will not hinder the use of public ways by area residents.
- 2) The right-of-way is not necessary for access to public or private lands or ways.
- 3) Approval may be in the best interest of the City by adding this land area to the tax base.

RESOLUTION 77-329-14

WHEREAS, JEFF DEVILLE, BARBARA DEVILLE, PAUL E. DEVILLE, GREG DEVILLE and RAYMOND B. BRUNNER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way situated in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of Section 27, Township 31 North, Range 12 East, in Allen County, Indiana, described as follows:

Commencing at the Northwest corner of said Block A as situated on the South line of the right of way of U. S. Hwy #30, known as California Road, at a point situated 205 feet West of the East line of said quarter section; thence running West on said right of way line, 205 feet; thence South and parallel to the East line of said quarter section, a distance of 250 feet; thence East and parallel to aforesaid right of way line, 205 feet to the West line of said Trixholme Addition, Section "A"; thence North on the aforesaid line 250 feet to the place of beginning, except the East 70.0 feet.

ALSO

Parcel 2

Part of the Northeast Quarter of Section 27, Township 31 North, Range 12 East, described as follows:

Commencing on the South line of the right of way of U.S. Hwy #30, also known as California Road, at a point situated 410 feet West of the East line of said quarter section; thence running West on said right of way line 65 feet; thence South and parallel to the East line of said quarter section a distance of 250 feet; thence East and parallel to the aforesaid right of way line, 65 feet; thence North 250 feet to the place of beginning.

EXCEPT from Parcel #1 & Parcel #2 that portion conveyed to the State of Indiana by Document Number 72-21177 dated August 3, 1972 and recorded September 25, 1972 in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right of way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said

use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Angela S. Derheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held August 31, 1988 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 31st DAY OF August 1988

FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer
Angela S. Derheimer
Director of Public Works

Daniel G. Heath
Daniel G. Heath
Director Board of Public Safety

C. David Silletto
Director of Administration & Finance

RESOLUTION

WHEREAS, JEFF DEVILLE, BARBARA DEVILLE, PAUL E. DEVILLE, GREG DEVILLE and RAYMOND B. BRUNNER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way situated in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of Section 27, Township 31 North, Range 12 East, in Allen County, Indiana, described as follows:

Commencing at the Northwest corner of said Block A as situated on the South line of the right of way of U. S. Hwy #30, known as California Road, at a point situated 205 feet West of the East line of said quarter section; thence running West on said right of way line, 205 feet; thence South and parallel to the East line of said quarter section, a distance of 250 feet; thence East and parallel to aforesaid right of way line, 205 feet to the West line of said Trixholme Addition, Section "A"; thence North on the aforesaid line 250 feet to the place of beginning, except the East 70.0 feet.

ALSO

Parcel 2

Part of the Northeast Quarter of Section 27, Township 31 North, Range 12 East, described as follows:

Commencing on the South line of the right of way of U.S. Hwy #30, also known as California Road, at a point situated 410 feet West of the East line of said quarter section; thence running West on said right of way line 65 feet; thence South and parallel to the East line of said quarter section a distance of 250 feet; thence East and parallel to the aforesaid right of way line, 65 feet; thence North 250 feet to the place of beginning.

EXCEPT from Parcel #1 & Parcel #2 that portion conveyed to the State of Indiana by Document Number 72-21177 dated August 3, 1972 and recorded September 25, 1972 in the Office of the Recorder of Allen County, Indiana.

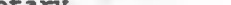
all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 20, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right of way.

WHEREAS, said vacation of dedicated right of way has
HEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right of way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said


Robert Hutter
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

25 August 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated drainage easement.

The proposed ordinance is designated as:

BILL NO. G-88-08-42

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of August 1988.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Easement Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The east 8' of a platted 20' drainage easement lying between Units 34 & 35 in Foxchase Condominiums.

Reason for Project

New construction.

Discussion (Including relationship to other Council actions)

15 August 1988 - Public Hearing

Terry Stauffer, appeared before the Commission on behalf of the petitioner. Mr. Stauffer stated that there is an existing 20 foot drainage easement between Lots 34 & 35. He stated that in order to construct a unit on Lot 34 it is necessary to use 8 foot of the existing 20 foot easement. He stated that they have spoken with Max VanCamp of Street Engineering and he indicated that if they would grant an additional 2 feet on the west side of the easement they would have no problem with the easement.

Janet Bradbury questioned that if by vacating a portion of this easement would it create a drainage problem. She also questioned if the County were not the people who had control over drainage easements.

V.C. Seth stated that the county controls legal drains and this is not a legal drain.

Mr. Stauffer stated that this was not a natural drain and should not cause any problems by vacating 8 feet of the drain.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Chris Stauffer Homes, Inc.
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation

☒ For

☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

22 August 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 15 July 1988

Projected Completion or Occupancy

Date 25 August 1988

Fact Sheet Prepared by

Date 25 August 1988

Patricia Biancaniello

Reviewed by

Date

9/9/88

Reference or Case Number

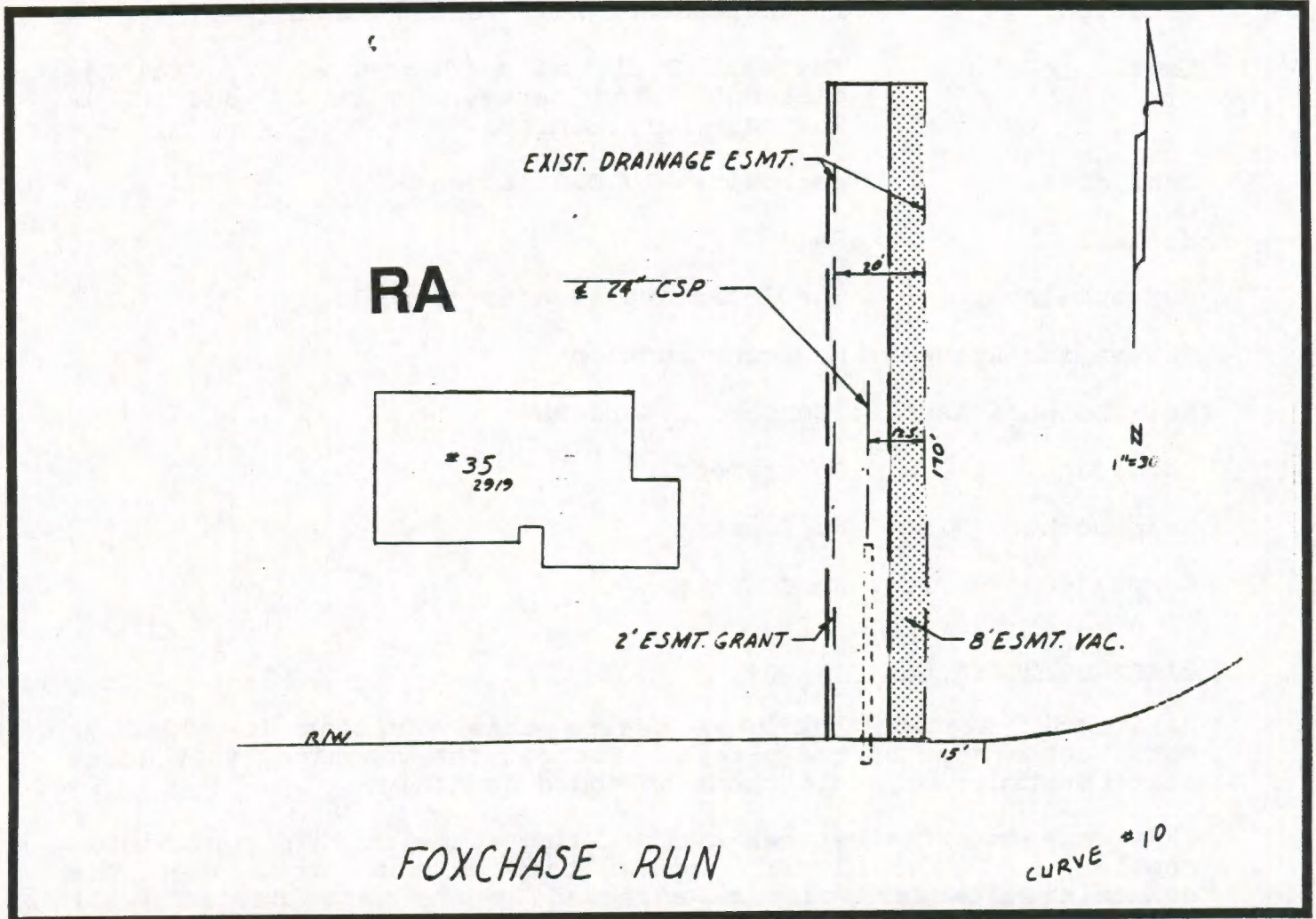
Gary Baxter

VACATION PETITION #362

A PETITION TO VACATED THE DESCRIBED PUBLIC EASEMENT

MAP NO. P-42

COUNCILMANIC DISTRICT NO. 2



ZONING:

RA RESIDENCE "A"

LAND USE:

☐ SINGLE FAMILY

SCALE: N.T.S

lw
DATE: 7-29-88



Chris Stauffer Homes, Inc., request the vacation of a portion of a drainage easement.

Location: To the east of 2919 Foxchase Run

Legal: The east 8 ft. of a platted 20 ft. drainage easement lying between Units 34 and 35 in Foxchase Condominiums.

Land Area: Approximately 0.03 Acres

Zoning: RA

Surroundings: The immediate area is zoned RA

Reason for Request: New construction

Neighborhood Assoc.: Concordia Gardens

Landscape: No Comment

Neighborhood Plan: No Comment

Comprehensive Plan: No Comment

Planning Staff Discussion:

Petitioner states that they desire this vacation in order to construct a home on the parcel. Without the vacation, they state that construction would cause an undue hardship.

This easement runs between two building sites in this condominium complex. It would not appear that anyone other than the condominium owners would be affected by the vacation, nor will vacation impact access needs to public or private lands.

The petitioners will also be granting an additional 2 foot easement on the west side of this existing easement. There are existing utilities in this easement, and apparently the petitioner has already made contact and is willing to address the utility needs.

Recommendation: Conditional Approval, contingent upon the petitioners granting utility easements as needed.

- 1) Vacation will not affect any other property owner
- 2) Vacation will allow additional development of this area
- 3) The petitioners providing additional easements should allow for appropriate service to be available to all residents of the area.

RESOLUTION 77-329-15

WHEREAS, CHRIS STAUFFER HOMES, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated drainage easement situated in Fort Wayne, Allen County, to-wit:

A strip of land eight (8) feet in width lying on the east of a platted twenty (20) foot drainage easement lying between Units 34 and 35 in Foxchase Condominiums, according to Condominium Plat Record 7, pages 82-84 in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated drainage easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated drainage easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated drainage easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.


STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Angela S. Derheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

August 5, 1988 and as same appears
of record in the official records of the Board of Public Works.

DATED THIS 31st DAY OF August 1988

FORT WAYNE BOARD OF PUBLIC WORKS


Angela S. Derheimer
Director of Public Works

Daniel G. Heath
Daniel G. Heath
Director of Public Safety

C. David Silletto
Director of Administration & Finance

RESOLUTION

WHEREAS, CHRIS STAUFFER HOMES, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated drainage easement in Fort Wayne, Allen County, to-wit:

A strip of land eight (8) feet in width lying on the east of a platted twenty (20) foot drainage easement lying between Units 34 and 35 in Foxchase Condominiums, according to Condominium Plat Record 7, pages 82-84 in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 15, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated drainage easement.

WHEREAS, said vacation of dedicated drainage easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated drainage easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated drainage easement hereinbefore described be and the same is hereby approved.


BE IT FURTHER RESOLVED no public utility occupying and using said dedicated drainage easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated drainage easement in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 22, 1988, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 25th DAY OF August 1988
FORT WAYNE CITY PLAN COMMISSION


Robert Hutner
Secretary